

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute
2 for Senate Bill No. 1, Page 5, Section 287.067, Line 36, by inserting after the word "department" on
3 said line, the following:

4
5 "or paid peace officers of a police department who are certified under chapter 590"; and
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7 Further amend said bill, Page 24, Section 287.220, Line 192, by inserting after all of said section and
8 line, the following:
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10 "287.243. 1. This section shall be known and may be cited as the "Line of Duty
11 Compensation Act".

12 2. As used in this section, unless otherwise provided, the following words shall mean:

13 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with
14 sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by
15 the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005,
16 et seq.;

17 (2) "Air ambulance registered professional nurse", a person licensed as a registered
18 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations
19 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional
20 nursing services as a flight nurse in conjunction with an air ambulance program that is certified in
21 accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such
22 programs;

23 (3) "Emergency medical technician", a person licensed in emergency medical care in
24 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the
25 department of health and senior services under sections 190.001 to 190.245;

26 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a
27 local governmental entity as an employer defined under subsection 1 of section 287.030, or
28 otherwise serving as a member or officer of a fire department either for the purpose of the prevention
29 or control of fire or the underwater recovery of drowning victims;

30 (5) "Killed in the line of duty", when [a person defined in this section] any law enforcement
31 officer, emergency medical technician, air ambulance pilot, air ambulance registered professional
32 nurse, paramedic, or firefighter loses [one's] his or her life as a result of an injury received in the
33 active performance of [his or her duties within the ordinary scope of] duties in his or her respective

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profession [while the individual is on duty and but for the individual's performance, death would have not occurred], if the death occurs as a natural and probable consequence of the injury or disease caused by the accident or violence of another within three hundred weeks from the date the injury was received and if that injury arose from violence of another or accidental cause subject to the provisions of this subdivision. The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication. For law enforcement officers, emergency medical technicians, air ambulance pilots, air ambulance registered professional nurses, paramedics, and firefighters, the term shall include the death caused as a result of a willful act of violence committed by a person other than the officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, and a relationship exists between the commission of such act and the individual's performance of his or her duties as a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, paramedic, or firefighter, regardless of whether the injury is received while the individual is on duty; or the injury is received by a law enforcement officer while he or she is attempting to prevent the commission of a criminal act of another person or attempting to apprehend an individual suspected of committing a crime, regardless of whether the injury is received while the individual is on duty as a law enforcement officer; or the injury is received by the individual while traveling to or from his or her employment or during any meal break, or other break, which takes place during the period in which the law enforcement officer, air ambulance pilot, air ambulance registered professional nurse, emergency medical technician, paramedic, or firefighter, is on duty;

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance

1 registered professional nurse, or firefighter. If a claim is made within one year of the date of death of
2 a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
3 registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if
4 the division finds that the claimant is entitled to compensation under this section. (2) The amount
5 of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation,
6 for death occurring on or after June 19, 2009.

7 4. Notwithstanding subsection 3 of this section, no compensation is payable under this
8 section unless a claim is filed within the time specified under this section setting forth:

9 (1) The name, address, and title or designation of the position in which the law enforcement
10 officer, emergency medical technician, air ambulance pilot, air ambulance registered professional
11 nurse, or firefighter was serving at the time of his or her death;

12 (2) The name and address of the claimant;

13 (3) A full, factual account of the circumstances resulting in or the course of events causing
14 the death at issue; and

15 (4) Such other information that is reasonably required by the division.

16 When a claim is filed, the division of workers' compensation shall make an investigation for
17 substantiation of matters set forth in the application.

18 5. The compensation provided for under this section is in addition to, and not exclusive of,
19 any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to
20 by law.

21 6. Neither employers nor workers' compensation insurers shall have subrogation rights
22 against any compensation awarded for claims under this section. Such compensation shall not be
23 assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to
24 setoff or counterclaim, or be in any way liable for any debt, except that the division or commission
25 may allow as lien on the compensation, reasonable attorney's fees for services in connection with the
26 proceedings for compensation if the services are found to be necessary. Such fees are subject to
27 regulation as set forth in section 287.260.

28 7. Any person seeking compensation under this section who is aggrieved by the decision of
29 the division of workers' compensation regarding his or her compensation claim, may make
30 application for a hearing as provided in section 287.450. The procedures applicable to the
31 processing of such hearings and determinations shall be those established by this chapter. Decisions
32 of the administrative law judge under this section shall be binding, subject to review by either party
33 under the provisions of section 287.480.

34 8. Pursuant to section 23.253 of the Missouri sunset act:

35 (1) The provisions of the new program authorized under this section shall automatically
36 sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

37 (2) If such program is reauthorized, the program authorized under this section shall
38 automatically sunset twelve years after the effective date of the reauthorization of this section; and

39 (3) This section shall terminate on September first of the calendar year immediately
40 following the calendar year in which the program authorized under this section is sunset.

41 9. The provisions of this section, unless specified, shall not be subject to other provisions of

1 this chapter.

2 10. There is hereby created in the state treasury the "Line of Duty Compensation Fund",
3 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or
4 bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
5 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation,
6 money in the fund shall be used solely for paying claims under this section. Notwithstanding the
7 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
8 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
9 moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned
10 on such investments shall be credited to the fund.

11 11. The division shall promulgate rules to administer this section, including but not limited
12 to the appointment of claims to multiple claimants, record retention, and procedures for information
13 requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
14 under the authority delegated in this section shall become effective only if it complies with and is
15 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
16 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
17 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
18 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
19 June 19, 2009, shall be invalid and void."; and

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21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.